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09/785,650	02/16/2001	James William Cooper	YOR920000753US1	4185

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EXAMINER

JACKSON, JAKIEDA R

ART UNIT PAPER NUMBER

2655

DATE MAILED: 12/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/785,650

Applicant(s)

COOPER ET AL.

Examiner

Jakieda R Jackson

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-22 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-22 and 24-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action mailed May 27, 2004, applicant submitted an amendment filed on August 30, 2004, in which the applicant canceled, amended and added new claims.

### ***Response to Arguments***

2. Applicant argues that Logan and Ladd do not disclose or suggest the time recorded is the time that the voice command is spoken. That is, neither Logan nor Ladd address the issue of determining time intervals utilizing voice commands.

However, applicant's arguments with respect to claims 1, 19 and 27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-8, 10-18 and 24-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (U.S. Patent No. 5,721,827), hereinafter referenced as Logan in view of Yahagi et al. (U.S. Patent No. 4,984,274), hereinafter referenced as Yahagi.

Regarding **claims 1 and 27**, Logan discloses a method and an article of manufacture, performed on a computer system (column 1, lines 48-52), for tracking time (log time; column 11, lines 41-51) using speech recognition (column 35, line 24), the method comprising the steps of:

accessing speech data (audio speech file; column 2, line 57);

recognizing at least two voice commands ("Go", "Five", "News", etc.) from the speech data, each voice command occurring at a different time (shift to different segment; column 12, lines 55-60), but lacks determining a first and second time associated with a speaking if a first and second of the voice commands, wherein said first and second voice command identifies a start and end of said time interval.

Yahagi discloses a speech recognition method comprising the steps of:

determining a first time associated with a speaking of a first of the voice commands (start), wherein the first voice command identifies a start of a time interval (time interval from the start; column 8, lines 10-37); and

determining a second time associated with a speaking of a second of the voice commands (stop), wherein a second voice command identifies an end of a time interval (column 8, lines 10-37 with lines 48-58), to obtain a correct time measurement.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan's method, article of manufacture and computer system wherein it determines a first and second time associated with a speaking if a first and second of the voice commands, wherein said first and second

voice command identifies a start and end of said time interval, to perform a correct timing in synchronism with speech input (column 10, lines 22-31).

Regarding **claim 2**, Logan discloses the method wherein the second voice command (BACK command subdivided into two commands) is implied because a predetermined time from the first voice command (predetermined time of segment) elapses before another voice command occurs (column 14, lines 11-27) and wherein the step of determining a second time comprises the step of assigning the second time as the predetermined time plus the first time, if the first voice command elapses before another voice command occurs (column 11, lines 44-51).

Regarding **claims 3 and 17**, Logan discloses the method wherein:

the speech data (comment) comprises a time stamp (column 42, lines 20-30);

the step of determining a first time comprises:

determining an offset time (start and ending offset) between the time stamp and a time when the first voice command (audio presentation) is active (column 4, lines 48-57); and

determining (identify) the first time through reference to the time stamp and the offset time (column 7, lines 41-45).

Regarding **claim 4**, the method wherein:

the speech data (comment) comprises a time stamp (column 42, lines 20-30);

the step of determining a first time comprises:

determining an offset time (start and ending offset) between the time stamp and a time when the first voice command (audio presentation) is spoken (column 4, lines 48-57); and

determining the first time through reference to the time stamp and the offset time (column 7, lines 41-45); and

the step of determining a second time comprises:

determining a second offset (start and ending offset) time between the time stamp and a time when the second voice command is spoken (column 4, lines 48-57); and

determining (identify) the second time through reference to the time stamp and the second offset time (column 7, lines 41-45).

Regarding **claim 5**, Logan discloses the method wherein:

the step of determining the first time through reference to the time stamp and the offset time comprises the step of adding the offset time to the time stamp to determine the first time (inherent in segment to be calculated; column 11, lines 36-51); and

the step of determining the second time through reference to the time stamp and the second offset time comprises the step of adding the second offset time to the time stamp to determine the second time (inherent in segment to be calculated; column 11, lines 36-51).

Regarding **claim 6**, Logan discloses the method wherein:

the speech data (comments and annotations) comprises first and second time stamps (column 42, lines 20-30);

the step of determining a first time comprises:

determining a first offset time (start and ending offset) between the first time stamp and a time when the first voice command (audio presentation) is spoken (column 4, lines 48-57); and

determining (identify) the first time through reference to the first time stamp and the first offset time (column 7, lines 41-45); and

the step of determining a second time comprises:

determining a second offset (start and ending offset) time between the second time stamp and a time when the second voice command (audio presentation) is spoken (column 4, lines 48-57); and

determining (identify) the second time through reference to the second time stamp and the second offset time (column 7, lines 41-45).

Regarding **claims 7 and 18**, Logan discloses the method further comprising the steps of:

recording speech onto a portable recorder (portable computer or player; column 6, lines 35-37); and

loading the speech data from the portable recorder (player) to the computer system (CPU), the speech data comprising the speech and a plurality of time stamps (time of day clock; column 3, lines 1-18).

Regarding **claim 8**, Logan discloses a method and an article of manufacture, performed on a computer system for tracking time (log time; column 11, lines 41-51) using speech recognition, but lacks the method further comprising the steps of:

determining at least one task name from the text of the at least two voice commands.

Ladd discloses determining at least one task name (tags, symbols, etc.) from the text of the at least two voice commands (figure 6 with column 16, lines 17-25 and 34-45), to control interactive voice service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan's invention such that it converts each of at least two voice commands to text and determines text versions of the at least two voice commands by comparing words in the text with phrase grammar rules, to provide pronunciation of words and phrases, and place markers in the text, to control interactive voice service (column 16, lines 17-20).

Regarding **claim 10**, Logan discloses the method wherein the step of determining at least one task name comprises finding the at least one task name (words and phrases in the presentation) in the text (column 37, lines 36-45).

Regarding **claim 11**, Logan discloses the method wherein the step of determining at least one task name comprises associating at least one task name to (filename) said time interval (time established) between the first and second times, wherein the at least one task name is not in the text (user preference; column 6, line 60 – column 7, line 7).

Regarding **claims 12 and 16**, Logan discloses the method wherein the at least one task name comprises two task names, a first task name ("Five") associated with a first of the voice commands and a second task name ("News") associated with a second



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of the voice commands, wherein the first and second voice commands occur adjacent to each other in time (while), wherein the first and second task name are different ("Five" and "News"), and wherein the second voice command is assumed to end a first task corresponding to the first task name and start a second task corresponding to the second task name (start of new segment; column 12, line 55 – column 13, line 2).

Regarding **claim 13**, Logan discloses the method further comprising the step of packaging the first time, second time (total time), and one task name (plays field) from the at least one task name into a time increment (column 19, line 63 - column 20, line 7).

Regarding **claim 14**, Logan discloses the method wherein the at least two voice commands comprises a plurality of voice commands, wherein the at least one task name comprises a plurality of task names, and wherein the method further comprises the steps of:

determining an additional plurality of voice command times ("Back", "Back Segment" etc.), each of the voice command times associated with one of the plurality of additional voice command times ("Skip", "Mark etc.; column 14, lines 11-51);

converting each of the plurality of voice commands to text (column 15, lines 4-6);

determining a plurality of task names (text file) from the text (column 37, lines 36-45);

associating a task name with two of the first time, second time, or additional plurality of voice command times ("Skip", "Mark etc.; column 14, lines 11-51);

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creating a plurality of time increments (different program segment; column 12, lines 55-56), each time increment comprising two times of the first time, second time, or additional plurality of voice command times (receipt of command; column 12, lines 17-23) and a task name (log file; column 11, lines 44-46); and

storing the plurality of time increments (host sever; figure 1, element 101 and column 4, lines 15-27).

Regarding **claims 15 and 28**, Logan discloses a method and article of manufacture, performed on a computer system (column 1, lines 48-52), for tracking time (log time; column 11, lines 41-51) using speech recognition (column 35, line 34), the method comprising the steps of:

accessing speech data (audio speech file; column 2, line 57) comprising a plurality of time stamps and speech (column 42, lines 20-30);

determining a time associated with a speaking of each of the voice commands (column 42, lines 20-30);

determining a plurality of tasks, each task associated with at least one of the times and at least one of the voice commands ("Skip", "Mark etc.; column 14, lines 11-51); and

determining a plurality of time increments (different program segment; column 12, lines 55-56), each time increment comprising one of the tasks (log file; column 11, lines 44-46) and at least one of the times (receipt command; column 12, lines 17-23), but lacks converting the speech to text and composing a plurality of voice commands from words in the text, each voice command corresponding to a phrase grammar rule.

Ladd discloses a method comprising:

converting the speech to text (column 4, lines 47-49); and

composing a plurality of voice commands from words in the text (column 4, lines 47-49), each voice command corresponding to a phrase grammar rule (phonetic rules; column 14, lines 25-45), to control interactive voice service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan's invention such that it converts each of at least two voice commands to text and determines text versions of the at least two voice commands by comparing words in the text with phrase grammar rules, to provide pronunciation of words and phrases, and place markers in the text, to control interactive voice service (column 16, lines 17-20).

Regarding **claim 24**, Logan discloses a system for tracking time speech recognition, the system comprising:

a computer system comprising:

a memory (mass storage device) that stores computer-readable code (records programming; column 3, lines 1-18); and

a processor operatively coupled to the memory, the processor configured to implement the computer-readable code (column 3, lines 1-18 and column 19, lines 11-17), the computer-readable code configured to:

access speech data (audio speech file; column 2, line 57) comprising a plurality of time stamps and speech (column 42, lines 20-30);

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determine a time (start and ending offset) associated a speaking of each of the voice commands (audio presentation; column 4, lines 48-57);

determine a plurality of tasks, each task associated with at least one of the times and at least one of the voice commands ("Skip", "Mark etc.; column 14, lines 11-51); and

determine a plurality of time increments (different program segment), each time increment comprising one of the tasks (log file) and at least one of the times (segment; column 12, lines 55 – column 13, line 2), but lacks converting each of at least two voice commands to text and determining text versions of the at least two voice commands by comparing words in the text with phrase grammar rules.

Ladd discloses converting each of at least two voice commands (column 4, lines 9-10 and column 5, lines 9-10) to text (column 4, lines 47-49); and

determining text versions of the at least two voice commands (column 4, lines 47-49) by comparing words in the text (VRU server compares input) with phrase grammar rules (phonetic rules; column 14, lines 25-45), to control interactive voice service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan's invention such that it converts each of at least two voice commands to text and determines text versions of the at least two voice commands by comparing words in the text with phrase grammar rules, to provide pronunciation of words and phrases, and place markers in the text, to control interactive voice service (column 16, lines 17-20).

Regarding **claim 25**, Logan discloses the system wherein the computer-readable code is further configured to:

store the time increments (host sever; figure 1, element 101 and column 4, lines 15-27); and

place the time increments into a file (form of file (sequence)) having a format suitable for importing into a time and billing program (column 15, lines 35-66).

Regarding **claim 26**, Logan discloses the system wherein the system further comprises a digital personal recorder and wherein the computer-readable code is further configured to receive the speech data from the digital personal recorder (column 3, lines 1-18).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 19-22 and 29-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan in view of Yahagi as applied to claim 1 above, and further in view of Ladd et al. (U.S. Patent No. 6,539,359), hereinafter referenced as Ladd.

Regarding **claim 19**, Logan a system for tracking time using speech recognition, the system comprising:

a computer system comprising:

a memory (mass storage device) that stores computer-readable code (records programming; column 3, lines 1-18); and

a processor operatively coupled to the memory, the processor configured to implement the computer-readable code (column 3, lines 1-9 and column 19, lines 11-17), the computer-readable code configured to:

access speech data (audio speech file; column 2, line 57);

recognize at least two voice commands ("Go", "Five", "News", etc.) from the speech data, each voice command occurring at a different time (shift to different segment; column 12, lines 55-60);

determine a first time (start time) associated with a first of the voice commands (advertising segment; column 11, lines 41-51); and

determine a second time (end time) associated with a second of the voice commands (advertising segment; column 11, lines 41-51), but lacks determining a first and second time associated with a speaking if a first and second of the voice commands, wherein said first and second voice command identifies a start and end of said time interval and converting each of at least two voice commands to text and determining text versions of the at least two voice commands by comparing words in the text with phrase grammar rules.

Yahagi discloses a speech recognition method comprising the steps of:

determining a first time associated with a speaking of a first of the voice commands (start), wherein the first voice command identifies a start of a time interval (time interval from the start; column 8, lines 10-37); and

determining a second time associated with a speaking of a second of the voice commands (stop), wherein a second voice command identifies an end of a time interval (column 8, lines 10-37 with lines 48-58), to obtain a correct time measurement.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan's method, article of manufacture and computer system wherein it determines a first and second time associated with a speaking of a first and second of the voice commands, wherein said first and second voice command identifies a start and end of said time interval, to perform a correct timing in synchronism with speech input (column 10, lines 22-31).

Logan in view of Yahagi discloses a system for tracking time using speech recognition, but lacks converting each of at least two voice commands to text and determining text versions of the at least two voice commands by comparing words in the text with phrase grammar rules.

Ladd discloses converting each of at least two voice commands (column 4, lines 9-10 and column 5, lines 9-10) to text (column 4, lines 47-49); and

determining text versions of the at least two voice commands (column 4, lines 47-49) by comparing words in the text (VRU server compares input) with phrase grammar rules (phonetic rules; column 14, lines 25-45), to control interactive voice service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan in combination with Yahagi's invention such that it converts each of at least two voice commands to text and determines text versions of the at least two voice commands by comparing words in the text with phrase grammar rules, to provide pronunciation of words and phrases, and place markers in the text, to control interactive voice service (column 16, lines 17-20).

Regarding **claim 20**, Logan discloses the system wherein the speech data comprises a time stamp, and wherein the computer-readable code is further configured to:

when determining a first time:

determining an offset time (start and ending offset) between the time stamp and a time when the first voice command (audio presentation) is spoken (column 4, lines 48-57); and

determining (identify) the first time through reference to the time stamp and the offset time (column 7, lines 41-45); and

when determining a second time comprises:

determining a second offset time (start and ending offset) between the time stamp and a time when the second voice command is spoken (column 4, lines 48-57); and

determining (identify) the second time through reference to the time stamp and the second offset time (column 7, lines 41-45).



Regarding **claim 21**, Logan discloses the system wherein the computer-readable code is further configured to:

store the time increments (host sever; figure 1, element 101 and column 4, lines 15-27); and

place the time increments into a file (form of file (sequence)) having a format suitable for importing into a time and billing program (column 15, lines 35-66).

Regarding **claim 22**, Logan discloses the system wherein the system further comprises a digital personal recorder and wherein the computer-readable code is further configured to receive the speech data from the digital personal recorder (column 3, lines 1-18).

Regarding **claim 29**, Logan in view of Yahagi discloses a method for tracking time using speech recognition, but lacks determining text versions of the at least two voice commands by comparing words in the text with phrase grammar rules.

Ladd discloses determining text versions of the at least two voice commands (column 4, lines 47-49) by comparing words in the text (VRU server compares input) with phrase grammar rules (phonetic rules; column 14, lines 25-45), to control interactive voice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan in combination with Yahagi's invention such that it determines text versions of the at least two voice commands by comparing words in the text with phrase grammar rules, to provide pronunciation of words and

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phrases, and place markers in the text, to control interactive voice service (column 16, lines 17-20).

Regarding **claim 30**, Logan in view of Yahagi discloses a method for tracking time using speech recognition, but lacks converting each of at least two voice commands to text and determining text versions of the at least two voice commands by comparing words in the text with phrase grammar rules.

Ladd discloses converting each of at least two voice commands (column 4, lines 9-10 and column 5, lines 9-10) to text (column 4, lines 47-49); and

determining text versions of the at least two voice commands (column 4, lines 47-49) by comparing words in the text (VRU server compares input) with phrase grammar rules (phonetic rules; column 14, lines 25-45), to control interactive voice service.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan in combination with Yahagi's invention such that it converts each of at least two voice commands to text and determines text versions of the at least two voice commands by comparing words in the text with phrase grammar rules, to provide pronunciation of words and phrases, and place markers in the text, to control interactive voice service (column 16, lines 17-20).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jakieda R Jackson whose telephone number is 703.305.5593. The examiner can normally be reached on Monday through Friday from 7:30 a.m. to 5:00p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703. 305.4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRJ  
December 14, 2004



DAVID L. OMETZ  
PRIMARY EXAMINER